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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 29 November 2006 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, in reply to his note of 1 November 2006, has the honour to submit the report of the Government of Spain concerning the implementation of the measures set forth in paragraph 8 of that resolution, in accordance with the provisions of its paragraph 11 (see annex).

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Annex to the note verbale dated 29 November 2006 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

Report of Spain submitted pursuant to Security Council resolution 1718 (2006)

Paragraph 11 of Security Council resolution 1718 (2006), adopted by the Security Council on 14 October 2006, calls upon all Member States to report to the Security Council within 30 days on the steps they have taken with a view to implementing the measures imposed by paragraph 8 of the aforementioned resolution.

The report describes the steps taken by Spain to comply with its obligations under the resolution, steps which also reflect Spain's commitment to the United Nations and to the multilateral non-proliferation regime.

Steps taken to implement the provisions of paragraph 8 of Security Council resolution 1718 (2006):

Paragraph 8, subparagraph (a)

All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

Paragraph 8, subparagraph (a) (i)

Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials included in Annex I.1 of the regulations, on the reporting of defence material. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006).

Paragraph 8, subparagraph (a) (ii)

All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related,

ballistic missile-related or other weapons of mass destruction-related programmes.

List contained in document S/2006/814: Nuclear material, equipment and technology, equipment, materials, applications and technology assimilated for dual nuclear use

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials in accordance with European Council Directive No. 1334/2000 of 22 June 2000, which lists them in its Annex I. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006). Moreover, Spain is a member of the Nuclear Suppliers Group and the Zangger Committee, forums in which it exchanges information with other members concerning transfer denials.

List contained in document S/2006/815: Missile technology, equipment and applications

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials in accordance with European Council Directive No. 1334/2000 of 22 June 2000, which lists them in its Annex I. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006). Moreover, Spain is a member of the Missile Technology Control Regime, a forum in which it exchanges information with other members concerning transfer denials.

List contained in document S/2006/816: This document (the List of items, materials, equipment, goods and technology linked to programmes of other weapons of mass destruction) has been replaced by document S/2006/853

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials in accordance with European Council Directive No. 1334/2000 of 22 June 2000, which lists them in its Annex I. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006). Moreover, Spain is also a member of the Australia Group, a forum in which it exchanges information with other members concerning transfer denials.

Paragraph 8, subparagraph (a) (iii)

Luxury goods

The export of these goods shall be subject to a "red channel" (physical) inspection by the Department of Customs and Foreign Investments, under which transactions destined for or originating in the Democratic People's Republic of Korea (DPRK) shall be frozen. As a complementary measure, in order to establish a system of authorizations for these goods, agreement should be reached on the

preparation of a list, based on the Consolidated List or an FOB value, within the framework of the European Community.

Paragraph 8, subparagraph (b)

The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all materials that are weapons of war or that are included in the lists of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, of 13 January 1993.

The import of all items included in subparagraphs 8 (a) (i) and (ii) above shall be subject to a "red channel" (physical) inspection by the Department of Customs and Foreign Investments, under which transactions originating in the Democratic People's Republic of Korea (DPRK) shall be frozen. There are currently no plans to establish a system of authorizations for these goods, unless agreement is reached on the preparation of a list, based on the Consolidated List or an FOB value, within the framework of the European Community.

Paragraph 8, subparagraph (c)

All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of technical training, advice, services or assistance relating to the supply, manufacture, stockpiling or use of the items set forth in subparagraphs 8 (a) (i) and (ii) above.

Paragraph 8, subparagraph (d)

All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available

by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities.

Spain may adopt measures in accordance with the provisions of article 4.3 of Act No. 19/2003 of 4 July 2003: "The Government, by agreement with the Council of Ministers, and at the proposal of the Ministry of the Economy, may prohibit or limit the implementation of certain capital movements and their corresponding collection or payment transactions, as well as transfers from or to the exterior, or variations in external debtor or creditor accounts or financial positions with respect to a State, territory or extra-territorial centre, or group of States, in application of measures adopted by international organizations, other than the European Community, of which Spain is a member". Spain will wait to be informed by the Committee established pursuant to resolution 1718 (2006) that persons or entities have been subjected to the indicated measures.

Paragraph 8, subparagraph (e)

All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory.

Spain applies restrictions on the issuing of residence and transit visas in coordination with the other States members of the Schengen area, prohibiting the issuing of visas to persons included in the Schengen Information System (SIS) in a coordinated manner. The designated persons must be added to the list for the corresponding restrictions to be applied. Spain will wait to be informed by the Committee established pursuant to resolution 1718 (2006) that persons or entities have been subjected to the indicated measures.

Paragraph 8, subparagraph (f)

In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes transfers (including imports and exports) of all biological, chemical or radioactive agents "adapted for use in war", and includes them in its Annex I.1 (exports) and Annex III.1 (imports). These materials are not found in the lists subject to embargo.

In addition to the information provided above with respect to the provisions of Security Council resolution 1718 (2006), it should be noted that within the framework of prevailing international law, and in application of the relevant national legislation on the matter, Spain employs all available resources for the

implementation of the resolution. Special mention should be made of the negotiation, within the framework of the European Union, of complementary measures aimed at ensuring that the action of States members is consistent across the territory of the European Union.

Furthermore, Spain participates in various international forums for the control of exports (the Nuclear Suppliers Group, the Zangger Committee, the Australia Group, the Missile Technology Control Regime and the Wassenaar Arrangement), in which it exchanges information concerning measures, requirements and transfer denials with respect to defence and dual-use materials included in the lists of the respective forums.

Spain is among the States which have signed the interdiction principles of the Proliferation Security Initiative, and thereby undertakes to interdict trafficking in weapons of mass destruction, their delivery systems and related materials with non-State actors and proliferating States. The experience acquired during the exercises carried out under this initiative has improved Spain's response capacity by identifying practices, obstacles and procedures which will help enhance the functioning of its system for the control of transfers.

Although it has not yet entered into force, Spain has signed the Convention for the Suppression of Illegal Acts against the Safety of Marine Navigation, and the spirit of the Convention is already present in Spain's political will.

In short, the Government of Spain is employing all the means required by law for the proper fulfilment of its international obligations, including the provisions of Security Council resolution 1718 (2006).